



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

SARAH ADELMAN  
Commissioner

JENNIFER LANGER JACOBS  
Assistant Commissioner

July 8, 2022

Leslie Sklar, Deputy Clerk  
Office of Administrative Law  
9 Quakerbridge Plaza  
Trenton, NJ 08625

Re: K.L. v. Union County Board of Social Services  
OAL Dkt. HMA 00693-21

Dear Ms. Sklar:

The Initial Decision in the above-reference matter has been reversed and is being remanded by the Assistant Commissioner. The case arises from the denial of Petitioner's request for Goods and Services. Under the Division of Developmental Disability's (DDD) Supports Program Manual, Medicaid beneficiaries are eligible through the DDD to access "services, equipment or supplies, not otherwise provided through generic resources, the [CCP], or through the State Plan, which address an identified need (including improving and maintaining the participant's opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; and/or promote inclusion in the community; and/or increase the participant's safety in the home environment; and, the participant does not have the funds to purchase the item or service or the item or service is not available through another source." SP Manual at § 17.9.1. In order for a goods and services request to be approved under the SP, the request must be related to the individual's disability. Id. at § 17.9.5.1.1.

The matter is being remanded for additional documentary evidence that Petitioner exhausted all other possible sources for the goods and services requested and that the goods and services were related to his disability.

Very truly yours,

Lisa N. Lackay, Esq.  
Office of Legal & Regulatory Liaison

C: Guy Lyles  
Carol Jones, DDD



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**STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES**

K.L.,	:	
	:	
PETITIONER,	:	<b>ADMINISTRATIVE ACTION</b>
	:	
v.	:	<b>ORDER OF REMAND</b>
	:	
DIVISION OF MEDICAL ASSISTANCE	:	<b>OAL DKT. No. HMA 00693-21</b>
	:	
AND HEALTH SERVICES,	:	
	:	
RESPONDENT.	:	

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Office of Administrative Law (OAL) case file and Respondent's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 11, 2022 in accordance with N.J.S.A. 52:14B-10, which requires an Agency Head to adopt, reject or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on May 27, 2022.

The matter arises from The Division of Developmental Disabilities' (DDD) December 4, 2020 denial of Petitioner's request for Goods and Services, specifically a request for a desktop computer and printer. Petitioner is a DDD client under the Supports Program (SP),

which provides funding for individuals who do not live in a congregate setting. Under the SP Manual, Medicaid beneficiaries are eligible through the DDD to access “services, equipment or supplies, not otherwise provided through generic resources, the [CCP], or through the State Plan, which address an identified need (including improving and maintaining the participant’s opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; and/or promote inclusion in the community; and/or increase the participant’s safety in the home environment; and, the participant does not have the funds to purchase the item or service or the item or service is not available through another source.” SP Manual at § 17.9.1. In order for a goods and services request to be approved under the SP, the request must be related to the individual’s disability. Id. at § 17.9.5.1.1

The Initial Decision reversed DDD’s denial of Petitioner’s goods and services request for a laptop computer and printer, finding that the request for the computer and printer was “consistent with the Individualized Service Plan created by the DDD for K.L.; that they will help K.L. to complete his college-level graphic-arts curriculum and to successfully graduate with a degree; and that they will promote K.L. to achieve community inclusion and to ultimately obtain gainful and meaningful employment permitting him to function independently within the community.” However, this conclusion is not supported by sufficient documentary evidence that the need for this computer is directly related to Petitioner’s disability or that Petitioner exhausted all other possible sources to obtain said goods and services. Therefore, I am REMANDING this decision to the OAL for additional documentary evidence that the goods and services requested address an identifiable need related to Petitioner’s disability and are not available through other sources consistent with the requirements of the SP Manual.

THEREFORE, it is on this 7<sup>th</sup> day of JULY 2022,

ORDERED:

That the Initial Decision is hereby REVERSED and REMANDED for additional evidence consistent with this opinion.



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Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance and Health Services